Rt. 12. Frederick, Md. 21701
6/17/77

Mr. Stanley R. McKinley
Associate Commissioner Management
Immigration and Naturalization Service
Washington, D.C. 20536

CO 2.12-C

Dear Mr. McKinley,

Your letter stamp dated June 10 came when I was away. I have just read it and the enclosures, beginning with a sense of disbelief that finally grew to record-breaking proportions. Considering my extensive FOIA experience over the past decade yours is no inconsiderable achievement.

It is also an act of rare courage, if this is the right word, in that you have told the Attorney General, your supposed boss, to engage in senseless self-gratification. While this has been the Department's practise, insulated at the Attorney General is from its actual workings, nobody has been in such gross and deliberate violation of his most recent directive - that there be no unnecessary withholding and that he wants all possible information released - than you.

You have to be from Orwell College in Spooksville to withhold Lee Harvey Oswald's Marine serial number under "552 (b)(2) in that it is related solely to the internal personnel rules and practises of an agency." (You also refer to him and Harvey L. Oswald, for you an act of extreme fidelity.)

Aside from that the Attorney General wanted time in trying to tell people like you I have other news for you. A President of the United States was assassinated. Your Harvey L. Oswald, aka Lee Harvey Oswald, is the sole accused assassin. The successor President appointed a Presidential Commission to investigate. It published an extraordinarily lengthy report and appended 26 volumes described as of evidence. Among this evidence is what is represented as Harvey L. Oswald's complete marine record, from which nothing is obliterated. It is reproduced in facsimile.

Aside from this and more I could add, where do you come from when you allege an identification widely used in employment and other means to be "related solely to the internal personnel rules and practises of an agency?"

I am not taking the time to check your outrageous letter against the publicly available and I think also officially published records. While there are in my belief many other relevant factors, aside from the directive of your supposed boss there is the waiver of use by the Presidential Commission and what apparently concerns you little, statements of policy by the then Chief Justice/Commission Chairman, then Attorney General of the United States and even the White House. This may mean nothing to you but I'm inclined to believe it would to the courts, if not the present Attorney General.

The prior Attorney General found this to be ann historical case, to which other standards apply. This means what the present Attorney General has stated as national policy: your responsibility is not to fake all the contraptions you can dream up to withhold but to release all that can be released without danger or real rather than imagined hurt.

Your letter isn't an even honest. There are withholding in the enclosures for which you provide no explanation and in justification of which you claim no exemption. If you did it would not be even good fake lies in Wonderland because it is all a matter of public, official record before the Commission of which you apparently have not heard. Published, too.

Your enclosures refer to records you pretend do not exist. You claim no exemption for them. You send Oswald's letters but these be responded to have been memory-holed.

You also withhold, without even mentioning their existence, records about which I wrote more than a dozen years ago. With this as an illustration of your contempt for the law, decency and simply fact, if not the orders of your supposed boss, I specify no more.

For now, that is. I look forward to having you in court. Any subordinate of the Attorney General of the United States who is so totally contemptuous of both the Act and the Attorney General belongs on the witness stand. While I generally extend myself to avoid litigation, you need it badly.

One such lesson could save the government millions in dollars and thousands of wasted hours of employees' work.

Of course I would prefer not to have to appeal. Or to go to court. My interests are dual: obtaining the public information I seek and honest, whole-hearted compliance with the Act. Whether or not this goes to court- and fast- is your decision.

I want you to stop all this horsing around, all this dishonesty, all this disregard for law and decency and contempt for the Attorney General himself, and comply immediately and fully. On Marina Oswald, aside from the records from Europe, I want you to go back to New York and work from there to Dallas. Your service sent somebody down to Dallas to lean on her after the assassination. This is no secret. Marina swore to it, I published it a dozen years ago and you pretend it does not exist in your files?

You have the clear intent of disregarding the specific directive of the Attorney General. From the xxxxx generalities of your letter I cannot be certain but I do believe and I am prepared to attempt to learn if you are not in fact also withholding what cannot be withheld under a series of court decisions, waiver by use, of which I mention only one, American Mail v. Gulick.

You conclude with references to the removal of material originating with the Department of State. You at no point address whether or not this material has been public for years. I believe I am within my rights in asking whether you made any such inquiry before withholding and claiming an exemption and in asking that you make a prompt inquiry now if you did not in the past. I remind you of the requirements imposed upon you, of a search in due diligence and in good faith. There are many federal officials within the Department and at the Archives who could have informed you. So I also want to know, because my rights under law are involved, if you made any such inquiries before your denials.

The spirit of your letter is one of opposition to the Act, of withholding all you can construe some excuse for withholding, of forcing me to go to court without need. This is clearly opposite the language and intent of the Act and of the policy stated by your presumed superior, the Attorney General. I am aware of my right to appeal. However, I would for once prefer that one of you who have wasted such time and money in deliberate violation of the law try being honest and not respectfully toward the law. So that you may I have given you specifics. However, I am well aware of records you have neither provided nor referred to in any way, in addition to those about which you play those ugly games. Because it is impossible to conceive that you have a more overdue request under the law I am asking for an immediate response. I also ask that you inform me if the Department reviewed your letter and/or enclosures. That this is the practice has been alleged in one of my suits by the Department. That you could claim (b)(2) and have it approved on review relating to Oswald's serial number really is astounding. More than a dozen years after the government published what is described as all his marine records in facsimile.

Sincerely,

Harold Weisberg